

## McCRACKEN, STEMERMAN, HOLSBERY, LLP

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*Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED ASSOCIATION OF JOURNEYMAN ) Case No. 17-CV-3037 RS  
AND APPRENTICES OF THE PLUMBING )  
AND PIPE FITTING INDUSTRY, )  
UNDERGROUND UTILITY/LANDSCAPE ) **CASE SCHEDULING**  
LOCAL UNION NO. 355; MIGUEL INIGUEZ )  
and FELIPE HERNANDEZ, as Local 355 ) **AND**  
Trustees; FRANCISCO CRUZ ORTIZ and ) **[proposed] ORDIN**  
ALEJANDRO TREJO, )  
Plaintiffs, ) **CASE MANAGEMENT**  
)

**CASE SCHEDULING STIPULATION  
AND  
[proposed] ORDER AFTER  
CASE MANAGEMENT CONFERENCE**

MANIGLIA LANDSCAPE, INC.; COHEN LANDSCAPE SERVICES, INC.; LANDSCAPE CONTRACTORS COUNCIL OF NORTHERN CALIFORNIA; BARRY L. COHEN; LINDA G. ROSSMAN; OSCAR DE LA TORRE, DOYLE RADFORD, DAVID GORGAS, BRUCE RUST, FERNANDO ESTRADA, BYRON LONEY, ROBERT CHRISP, BILL KOPONEN, LARRY NIBBI AND MANUEL DE SANTIAGO, AS TRUSTEES OF THE LABORERS TRUST FUNDS FOR NORTHERN CALIFORNIA; NORTHERN CALIFORNIA DISTRICT COUNCIL OF LABORERS; AND DOES 1 THROUGH 50,

## **STIPULATION RE CASE SCHEDULING**

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, the parties attended a Case Management Conference on December 20, 2018, where the Court and the parties agreed to the following:

## 1. ALTERNATIVE DISPUTE RESOLUTION.

The parties have completed a session of mediation with the Hon. John M. True. No further mediation is presently planned.

## 2. AMENDING THE PLEADINGS.

Any amendment of the pleadings after the date of this stipulation and order shall be governed by Rule 15 of the Federal Rules of Civil Procedure.

On November 30, 2018, Plaintiffs filed a Third Amended Complaint. The Laborers Defendants moved to strike that complaint, and the motion is presently under submission. Plaintiffs and the Employer Defendants have agreed that the Employer Defendants will not be required to respond to the Third Amended Complaint until the Court has ruled on the pending motion to strike, and will be subject to the same terms the Court sets for the Laborers Defendants.

### 3. DISCOVERY.

On or before July 12, 2019, all non-expert discovery shall be completed by the parties. Until the Further Case Management Conference on August 29, 2019, the parties shall engage in interim discovery. Interim discovery shall be limited as follows: (a) six (6) non-expert depositions per party; (b) twenty-five (25) interrogatories per party as discussed, including all discrete subparts; (c) a reasonable number of requests for production of documents or for inspection per party; and (d) a reasonable number of requests for admission per party.

#### 4. DISCOVERY DISPUTES.

Discovery disputes will be referred to a Magistrate Judge. After the parties have met and conferred, the parties shall prepare a joint letter of not more than 5 pages explaining the dispute. Up to 12 pages of attachments may be added. The joint letter must be electronically filed under the Civil Events category of “Motions and Related Filings > Motions--General > Discovery Letter Brief.” The Magistrate Judge to whom the matter is assigned will advise the parties of

1 how that Judge intends to proceed. The Magistrate Judge may issue a ruling, order more formal  
2 briefing, or set a telephone conference or a hearing. After a Magistrate Judge has been assigned,  
3 all further discovery matters shall be filed pursuant to that Judge's procedures.

4 **5. EXPERT WITNESSES.**

5 On or before July 26, 2019, all discovery of expert witnesses pursuant to Federal Rule of  
6 Civil Procedure 26(b)(4) shall be completed.

7 **6. FURTHER CASE MANAGEMENT CONFERENCE.**

8 A Further Case Management Conference shall be held on August 29, 2019 at 10:00 a.m.  
9 in Courtroom 3, 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco,  
10 California. The parties shall file a Joint Case Management Statement at least one week prior to  
11 the Conference.

12 **7. DISPOSITIVE MOTIONS.**

13 Dispositive motions will be heard no later than October 3, 2019. The parties may modify  
14 a motion's briefing schedule by agreement, but reply briefs must be filed no later than two weeks  
15 before a motion's hearing date.

16 **8. TRIAL.**

17 This case is set for trial on February 10, 2020, at 8:30 a.m..

18 **IT IS SO STIPULATED.**

19 Dated: January 7, 2019

McCRACKEN, STEMERMAN & HOLSBERRY

20 By: /s/ John J. Davis, Jr.

21 John J. Davis, Jr.

22 David L. Barber

23 Attorney for Plaintiffs

24 Dated: January 7, 2019

WEINBERG, ROGER & ROSENFELD

25 By: /s/ Conchita Lozano-Batista

26 Conchita Lozano-Batista, Attorney for Defendants  
27 Laborers Trustees and Northern California District  
28 Council of Laborers

1 Dated: January 7, 2019

CARTER, CARTER, FRIES & GRUNSCHLAG

2 By: /s/ Michelle Q. Carter

3 James A. Carter

4 Michelle Q. Carter

5 Attorneys for Employer Defendants

6 **Attestation**

7 Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the  
filing of this document has been obtained from the other signatories.

8 Dated: January 7, 2019

9 By: /s/ John J. Davis, Jr.

10 John J. Davis, Jr.

11 **ORDER OF APPROVAL**

12 IT IS SO ORDERED.

13 Dated: January 7, 2019



14 Hon. RICHARD SEEBORG  
15 United States District Judge